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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/604,608
Filing Date: August 04, 2003
Appellant(s): MILLS ET AL.

Jeffrey G. Toler
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 23, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Prior Art of Record

U.S. Patent 5272628, Koss (date of patent December 21, 1993; filed April 16, 1990).

U.S. Pub. No. 20020042859, Lowry (publication date April 11, 2002; filed May 4, 2001; provisional application filed October 6, 2000).

U.S. Pub. No. 20020083016, Dittrich et al. (publication date June 27, 2002; filed December 22, 2000).

U.S. Pub. No. 20030149934, Worden (publication date August 7, 2003; filed May 11, 2001).

U.S. Patent 5396587, Reed et al. (date of patent March 7, 1995; filed April 11, 1990).

U.S. Pub. No. 20030061193, Anson (publication date March 27, 2003; filed September 24, 2001).

U.S. Pub. No. 20030226105, Waldau (publication date December 4, 2003; filed May 29, 2003; provisional application filed May 29, 2002).

U.S. Patent 6282551, Anderson et al. (date of patent August 28, 2001; filed July 20, 1998).

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

A. Claims 1-4, 6-8, 10, 12-14, 16, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koss (U.S. Patent 5272628; date of patent December 21, 1993; filed April 16, 1990) in view of Lowry (U.S. Pub. No.

20020042859; publication date April 11, 2002; filed May 4, 2001; provisional application filed October 6, 2000).

Regarding independent claim 1, Koss teaches receiving a selection of a plurality of spreadsheets (Figures 2, 3; col. 1, lines 59-64; col. 2, lines 64-67; col. 3, lines 1-2, 11-15, 25-38; col. 4, lines 1-15) since Koss teaches using selected spreadsheets to generate other spreadsheets so the selections would have to be received.

Koss further teaches receiving a selection of portions of data from files corresponding to each of said plurality of spreadsheets (Figures 2, 3; col. 1, lines 59-64; col. 3, lines 11-15, 25-38; col. 4, lines 1-15) since Koss teaches portions are selected from among the spreadsheets.

Koss further teaches retrieving said portions of data (Figures 2, 3; col. 3, lines 25-38) since Koss teaches portions of data are retrieved.

Koss further teaches generating at least one final report spreadsheet (Figures 2, 3; col. 3, lines 11-15, 25-38) since Koss teaches a final report is generated.

Koss further teaches appending said portions of data to said at least one final report spreadsheet (Figure 2; col. 2, lines 64-67; col. 3, lines 1-2, 11-15) since Koss teaches the portions are appended to the final report.

Koss does not disclose receiving selections via a graphical control panel. Lowry teaches selecting files using a control panel (Figure 5; p.6, para. 86). It

would have been obvious to one of ordinary skill in the art, having the teachings of Koss and Lowry before him at the time the invention was made, to modify selecting spreadsheets as taught by Koss to include a control panel as taught by Lowry, because Koss teaches selecting spreadsheets on a computer (Figures 2, 3; col. 1, lines 59-64; col. 2, lines 64-67; col. 3, lines 1-2, 11-15, 25-38; col. 4, lines 1-15) and Lowry teaches selecting files using a control panel on a computer (Figure 5; p.6, para. 86) so the computer taught by Koss could include a control panel for making the selections.

Regarding dependent claims 2 and 3, Koss discloses methods as in claim 1 further comprising receiving a selection of at least one workbook and receiving a selection of at least one open workbook or stored workbook (col. 1, lines 59-64) since Koss discloses selecting a plurality of source tables. Since the source tables are capable of being selected, they are either already open or are saved and can comprise a workbook.

Regarding dependent claim 4, Koss discloses a method as in claim 1 further comprising receiving a selection of at least one worksheet (Figures 2, 3; col. 1, lines 59-64; col. 2, lines 64-67; col. 3, lines 1-2, 11-15, 25-38; col. 4, lines 1-15).

Regarding dependent claim 6, Koss discloses a method as in claim 1 wherein receiving a selection of portions of data comprises selecting at least one of rows,

columns, cells, tables, filenames, workbook names, worksheet names, and spreadsheet names of at least one file corresponding to said plurality of spreadsheets (col. 4, lines 1-15) since Koss teaches rows and columns are selected.

Regarding dependent claim 7, Koss discloses a method as in claim 1 wherein receiving a selection of portions of data comprises searching for desired text within said plurality of spreadsheets (col. 1, lines 59-67; col. 2, lines 1-8) since Koss teaches spreadsheets are searched for desired portions.

Regarding dependent claim 8, Koss discloses a method as in claim 1 further comprising appending data to said at least one final report spreadsheet that is not within said plurality of spreadsheets (col. 3, lines 11-15, 25-38).

Regarding independent claim 10, the claim reflects the software program for performing the operations of claims 1 and 7 and is rejected along the same rationale.

Regarding independent claim 12, Koss teaches a monitor (Abstract) since a computer system is disclosed that generates an aggregated spreadsheet so a monitor would be included to display the sheet.

Koss further teaches a storage device (Figure 2; col. 2, lines 64-67; col. 3, lines 1-2, 11-15, 25-38) since a final report is generated that stores portions of spreadsheets so a storage device is present.

Koss further teaches a spreadsheet selection area for receiving a selection of a plurality of spreadsheets (Figures 2, 3; col. 1, lines 59-64; col. 2, lines 64-67; col. 3, lines 1-2, 11-15, 25-38; col. 4, lines 1-15) since Koss teaches using selected spreadsheets to generate other spreadsheets so the selections would have to be received.

Koss further teaches a custom search module for receiving a selection of at least a portion of each of said selected plurality of spreadsheets (col. 1, lines 59-67; col. 2, lines 1-8) since spreadsheets are searched for desired portions.

Koss further teaches generating at least one final report spreadsheet and appending said selected portions of each of said selected plurality of spreadsheets to said at least one final report spreadsheet (Figures 2, 3; col. 2, lines 64-67; col. 3, lines 11-15, 25-38) since Koss teaches a final report is generated and the portions are appended to the final report.

Koss does not disclose a controller displaying a graphical control panel on said monitor. Lowry teaches a control panel displayed for making file selections (Figure 5; p.6, para. 86). It would have been obvious to one of ordinary skill in the art, having the teachings of Koss and Lowry before him at the time the invention was made, to modify the system taught by Koss to include a control panel as taught by Lowry, because Koss teaches selecting spreadsheets on a

computer (Figures 2, 3; col. 1, lines 59-64; col. 2, lines 64-67; col. 3, lines 1-2, 11-15, 25-38; col. 4, lines 1-15) and Lowry teaches selecting files using a control panel on a computer (Figure 5; p.6, para. 86) so the computer taught by Koss could include a control panel for making the selections.

Regarding dependent claims 13, 14 and 16, the claims reflect the multiple spreadsheet data consolidation system for performing the operations of claims 2, 3 and 4 respectively and are rejected along the same rationale.

Regarding dependent claim 17, Koss discloses a system as in claim 16 wherein said worksheet selection area comprises a worksheet subset selector (col. 3, lines 25-38) since a subset of a worksheet is selected.

Regarding dependent claim 20, Koss discloses a system as in claim 12 further comprising at least one window for receiving a selection of said plurality of spreadsheets and said at least a portion of each of said selected plurality of spreadsheets (Abstract; Figures 2, 3; col. 1, lines 59-64; col. 2, lines 64-67; col. 3, lines 1-2, 11-15, 25-38; col. 4, lines 1-15) since spreadsheets and portions of spreadsheets are selected and a computer system is disclosed that generates an aggregated spreadsheet so a window would be included to display the sheet.

B. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koss in view of Lowry in further view of Dittrich et al. (U.S. Pub. No. 20020083016; publication date June 27, 2002; filed December 22, 2000).

Regarding dependent claim 9, Koss discloses a custom spreadsheet search associated with a plurality of spreadsheets and said selected portions of data (col. 1, lines 59-67; col. 2, lines 1-8) but does not disclose storing the custom search. Dittrich teaches storing a custom search (p.2, para. 21). It would have been obvious to one of ordinary skill in the art, having the teachings of Koss and Dittrich before him at the time the invention was made, to modify the search taught by Koss to include storing searches as taught by Dittrich, because storing a custom search would store user preferences in the system, as taught by Dittrich (p.2, para. 21), which could be quickly accessed in the future.

C. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koss in view of Lowry in further view of Worden (U.S. Pub. No. 20030149934; publication date August 7, 2003; filed May 11, 2001).

Regarding dependent claim 15, Koss does not disclose workbook selection are comprises a workbook search in a selected database. Worden teaches searching for and selecting a workbook (p.47, para. 1045). It would have been obvious to one of ordinary skill in the art, having the teachings of Koss and

Worden before him at the time the invention was made, to modify selecting a workbook as taught by Koss to include searching for a workbook as taught by Worden, because searching for a workbook, as taught by Worden (p.47, para. 1045), would allow users to browse stored workbooks in order to find the desired book.

D. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koss in view of Lowry in further view of Reed et al. (U.S. Patent 5396587; date of patent March 7, 1995; filed April 11, 1990).

Regarding dependent claim 18, Koss does not disclose a status indicator. Reed teaches a status indicator (Figure 1; col. 4, lines 21-27). It would have been obvious to one of ordinary skill in the art, having the teachings of Koss and Reed before him at the time the invention was made, to modify the system taught by Koss to include a status indicator as taught by Reed, because a status indicator, as taught by Reed (Figure 1; col. 4, lines 21-27), would allow users to quickly view the status of the consolidation.

E. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koss in view of Lowry in further view of Anson (U.S. Pub. No. 20030061193; publication date March 27, 2003; filed September 24, 2001).

Regarding dependent claim 19, Koss does not disclose an event logger. Anson teaches an event logger (p.3, para. 32). It would have been obvious to one of ordinary skill in the art, having the teachings of Koss and Anson before him at the time the invention was made, to modify the system taught by Koss to include an event logger as taught by Anson, because an event logger, as taught by Anson (p.3, para. 32), would allow users to look up past events when necessary.

(10) Response to Argument

Regarding independent claim 1, the claim recites "receiving, via the graphical control panel, a selection of portions of data from files" (p.5, lines 1-2). Appellants argue that the Final Office Action asserts that Lowry teaches selecting files using a control panel and that "selecting files using a control panel" and "receiving, via the graphical control panel, a selection of portions of data from files" are not the same thing (p.5, lines 4-7). The Examiner disagrees because Koss teaches receiving a selection of portions of data from files (Figures 2, 3; col. 1, lines 59-64; col. 3, lines 11-15, 25-38; col. 4, lines 1-15). Specifically, Koss teaches a plurality of source tables (files) being selected and categories of the tables (portions of the files) being specified by a user for aggregation (col. 1, lines 59-64). Koss further teaches specific fields (portions) being specified by a user for aggregating in the destination spreadsheet and an aggregated spreadsheet 302 being created based on the specified fields (Figure 3; col. 3, lines 25-

38). Since the spreadsheet is created with the specified fields, the selections by the user have been received. Koss teaches a user making selections on spreadsheets (col. 3, lines 25-38) but does not explicitly disclose a graphical control panel. However, a graphical control panel must be present in order for the user to select fields on the spreadsheets. Furthermore, the Lowry reference teaches selecting portions of files via a graphical control panel (Figure 5; p. 6, para. 86). Lowry teaches selecting files, that include spreadsheets, from among a plurality of folders via a graphical control panel (p.6, para. 87, 96). The selected files are portions of the folders, corresponding to the claimed invention of selecting portions of data from files.

Appellants further argue that there is no suggestion or motivation to make the asserted combination of Koss and Lowry (p.5, lines 14-15). The Examiner disagrees because Koss teaches receiving selected portions of spreadsheets (col. 3, lines 25-38) which is obviously done through a graphical control panel. The selected portions are combined to create an aggregated spreadsheet (Figure 3; col. 3, lines 25-38). Lowry teaches selecting files, including spreadsheets, using a graphical control panel (p.6, para. 86, 87, 96). The files selected by the user are combined to form a list (Figure 5). The Koss reference does not explicitly teach a graphical control panel but it would have been obvious to one of ordinary skill in the art that a control panel was present. Furthermore, the Lowry reference teaches selecting portions of files, including spreadsheets, and creating a list of those files using a graphical control panel. Selecting files from a plurality of folders, as taught by Lowry, corresponds to selecting portions of data from spreadsheets, as taught by Koss. The Lowry reference teaches

the control panel being used for selections so selections made in the Koss reference could be made via a control panel also.

Claims 2-4 and 6-8 depend from claim 1 and are therefore rejected at least based on the rationale of the rejections above.

Regarding independent claim 10, the claim recites "a data selection procedure for receiving, via the graphical control panel, a selection of portions of data from files" (p.6, lines 2-3). Appellants argue that the Final Office Action asserts that Lowry teaches selecting files using a control panel and that "selecting files using a control panel" and "receiving, via the graphical control panel, a selection of portions of data from files" are not the same thing (p.6, lines 6-9). Claim 10 reflects the software program for performing operations similar to claim 1 and is therefore rejected along the same rationale. The Examiner disagrees because Koss teaches receiving a selection of portions of data from files (Figures 2, 3; col. 1, lines 59-64; col. 3, lines 11-15, 25-38; col. 4, lines 1-15). Specifically, Koss teaches a plurality of source tables (files) being selected and categories of the tables (portions of the files) being specified by a user for aggregation (col. 1, lines 59-64). Koss further teaches specific fields (portions) being specified by a user for aggregating in the destination spreadsheet and an aggregated spreadsheet 302 being created based on the specified fields (Figure 3; col. 3, lines 25-38). Since the spreadsheet is created with the specified fields, the selections by the user have been received. Koss teaches a user making selections on spreadsheets (col.

3, lines 25-38) but does not explicitly disclose a graphical control panel. However, a graphical control panel must be present in order for the user to select fields on the spreadsheets. Furthermore, the Lowry reference teaches selecting portions of files via a graphical control panel (Figure 5; p. 6, para. 86). Lowry teaches selecting files, that include spreadsheets, from among a plurality of folders via a graphical control panel (p.6, para. 87, 96). The selected files are portions of the folders, corresponding to the claimed invention of selecting portions of data from files.

Appellants further argue that there is no suggestion or motivation to make the asserted combination of Koss and Lowry (p.6, lines 16-17). The Examiner disagrees because Koss teaches receiving selected portions of spreadsheets (col. 3, lines 25-38) which is obviously done through a graphical control panel. The selected portions are combined to create an aggregated spreadsheet (Figure 3; col. 3, lines 25-38). Lowry teaches selecting files, including spreadsheets, using a graphical control panel (p.6, para. 86, 87, 96). The files selected by the user are combined to form a list (Figure 5). The Koss reference does not explicitly teach a graphical control panel but it would have been obvious to one of ordinary skill in the art that a control panel was present. Furthermore, the Lowry reference teaches selecting portions of files, including spreadsheets, and creating a list of those files using a graphical control panel. Selecting files from a plurality of folders, as taught by Lowry, corresponds to selecting portions of data from spreadsheets, as taught by Koss. The Lowry reference teaches the control panel being used for selections so selections made in the Koss reference could be made via a control panel also.

Regarding independent claim 12, the claim recites "a controller displaying a graphical control panel on said monitor, said graphical control panel comprising: a spreadsheet selection area for receiving a selection of a plurality of spreadsheets" (p.6, lines 21-23). Appellants argue that the Final Office Action asserts that Lowry teaches a control panel displayed for making file selections and that "a control panel displayed for making file selections" does not teach or suggest a graphical control panel "for receiving a selection of a plurality of spreadsheets" (p.6, lines 23-28). The Examiner disagrees because Koss teaches a computer system for performing the selection of portions of data (Abstract) and the system would include a monitor. Koss also teaches a spreadsheet selection are for receiving a selection of portions of a plurality of spreadsheets (Figures 2, 3; col. 1, lines 59-64; col. 2, lines 64-67; col. 3, lines 1-2, 11-15, 25-38; col. 4, lines 1-15). Specifically, Koss teaches a plurality of source tables (spreadsheets) selected as input (col. 1, lines 59-64). Koss further teaches a user specifying spreadsheets for aggregating in the destination spreadsheet and an aggregated spreadsheet 302 being created based on the specified spreadsheets (Figure 3; col. 3, lines 25-38). Since the spreadsheet is created using the user-specified spreadsheets, the selections made by the user have been received. Koss teaches a user making selections on spreadsheets (col. 3, lines 25-38) but does not explicitly disclose a graphical control panel. However, a graphical control panel must be present in order for the user to select spreadsheets. Furthermore, the Lowry reference teaches selecting files via a graphical control panel (Figure 5; p. 6, para. 86). Lowry teaches

selecting files, that include spreadsheets, from among a plurality of folders via a graphical control panel (p.6, para. 87, 96).

Appellants further argue that there is no suggestion or motivation to make the asserted combination of Koss and Lowry (p.7, lines 12-13). The Examiner disagrees because Koss teaches receiving selected spreadsheets (col. 3, lines 25-38) which is obviously done through a graphical control panel. The selected spreadsheets are combined to create an aggregated spreadsheet (Figure 3; col. 3, lines 25-38). Lowry teaches selecting files, including spreadsheets, using a graphical control panel (p.6, para. 86, 87, 96). The files selected by the user are combined to form a list (Figure 5). The Koss reference does not explicitly teach a graphical control panel but it would have been obvious to one of ordinary skill in the art that a control panel was present. Furthermore, the Lowry reference teaches selecting files, including spreadsheets, and creating a list of those files using a graphical control panel. Selecting files from a plurality of folders, as taught by Lowry, corresponds to selecting spreadsheets, as taught by Koss. The Lowry reference teaches the control panel being used for selections so selections made in the Koss reference could be made via a control panel also.

Regarding dependent claim 9, Appellants argue that the addition of Dittrich does not overcome the deficiencies in the combination of Koss and Lowry previously discussed with respect to claim 1 (p.7, lines 27-28). The Examiner disagrees because

Koss in view of Lowry teaches the limitations of claim 1, as discussed in the rejections and arguments above.

Appellants further argue that claim 9 recites "storing a custom spreadsheet search associated with said plurality of spreadsheets and said selected portions of data" and none of the cited references disclose or suggest a method that includes storing a custom spreadsheet search associated with a plurality of spreadsheets and selected portions of data from files corresponding to each of the plurality of spreadsheets (p.8, lines 16-25). The Examiner disagrees because claim 9 states "storing a custom spreadsheet search associated with said plurality of spreadsheets and said selected portions of data" and Koss in further view of Dittrich teaches these limitations. Koss teaches a custom spreadsheet search associated with a plurality of spreadsheets and said selected portions of data (col. 1, lines 59-67; col. 2, lines 1-8). In other words, Koss teaches a user selecting source tables and then specifying categories for aggregation. Mapping tables are created based on the specified categories. A binary search is conducted based on each pair in the mapping table (col. 1, lines 59-67; col. 2, lines 1-8). Therefore, the binary search is a custom search since it is based on categories of spreadsheets that are selected by a user. Koss further teaches a custom search in Figure 3 since a user specifies fields to be included in the aggregated spreadsheet and creating an aggregated spreadsheet with those fields (col. 3, lines 25-38). In order for the aggregated spreadsheet to be created, the source spreadsheets have been searched for the specified fields. Koss does not disclose storing the custom search. Dittrich teaches performing custom searches on listings of tables and storing

custom searches (p.2, para. 19, 21). It would have been obvious to one of ordinary skill in the art to combine the Koss and Dittrich references since Koss teaches performing custom searches on spreadsheets (Figure 3; col. 1, lines 59-67; col. 2, lines 1-8; col. 3, lines 25-38) and Dittrich teaches performing and storing custom searches on tables (p.2, para. 19, 21). The custom searches performed in Koss could also be stored for future use or reference.

Regarding dependent claim 15, Appellants argue that the addition of Worden does not overcome the deficiencies in the combination of Koss and Lowry previously discussed with respect to claim 12 (p.9, lines 1-3). The Examiner disagrees because Koss in view of Lowry teaches the limitations of claim 12, as discussed in the rejections and arguments above.

Appellants further argue that claim 15 recites "said workbook selection area comprises a workbook search in a selected database." The Final Office Action relies on Worden to supply this feature of claim 15 stating that "Worden teaches searching for and selecting a workbook" and browsing for a workbook does not disclose or suggest a workbook selection area comprising a workbook search in a selected database (p.9, lines 9-20). The Examiner disagrees because Worden teaches browsing through a database for a workbook (p.47, para. 1045). Since browsing is a type of searching. Worden teaches searching for a workbook. It would have been obvious to one of ordinary skill in the art to combine the Koss and Worden references since Koss teaches searching for spreadsheets (Figure 3; col. 1, lines 59-67; col. 3, lines 25-38) and

Worden teaches searching for workbooks (p.47, para. 1045). It is well known that spreadsheet programs, such as Excel, contain multiple workbooks so the spreadsheets taught by Koss could also include workbooks, as taught by Worden.

Regarding dependent claim 18, Appellants argue that the addition of Reed does not overcome the deficiencies in the combination of Koss and Lowry previously discussed with respect to claim 12 (p.9, lines 25-27). The Examiner disagrees because Koss in view of Lowry teaches the limitations of claim 12, as discussed in the rejections and arguments above.

Regarding dependent claim 19, Appellants argue that claim 19 depends from claim 12 and adds the additional element of an event logger to the system of claim 12 and the combination of Koss and Lowry does not teach or suggest all of the elements of claim 12 (p.10, lines 25-27). The Examiner disagrees because Koss in view of Lowry teaches the limitations of claim 12, as discussed in the rejections and arguments above.

Appellants further argue that the combination does not teach or suggest an event logger as recited in claim 19 (p.10, lines 15-16). The Examiner disagrees because Anson teaches an event log (p.3, para. 32). Anson further teaches searching for information in the data and log files storing a record of computer activity (p.3, para. 37). Koss teaches searching through data (Figure 3; col. 1, lines 59-67; col. 3, lines 25-38). It would have been obvious to one of ordinary skill in the art to combine the Koss and Anson references since Koss teaches searching for data (Figure 3; col. 1, lines 59-67;

col. 3, lines 25-38) and Anson teaches searching for data and logging events performed by a computer (p.3, para. 32, 37). The searching taught by Koss could be logged, as taught by Anson.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Conclusion

For the above reasons, it is believed that the rejections of claims 1-4, 6-10 and 12-20 should be sustained.

Respectfully submitted,

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Patent Examiner

August 2, 2006

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